

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability  
Litigation

No. 2:15-MD-02641-DGC

**[PROPOSED] ORDER ESTABLISHING  
COMMON BENEFIT FUNDS**

(Assigned to the Honorable David G.  
Campbell)

Case Management Order No. 6 (“CMO No. 6”) stated, “At an appropriate time, Plaintiffs’ Co-Lead counsel shall ask the Court to direct that two interest-bearing accounts be established to receive and disburse funds as provided in this Order... The first fund shall be designated the ‘Bard IVC Filters Fee Fund’ and the second fund shall be designated the ‘Bard IVC Filters Expense Fund.’” CMO No. 6 also stated that “the Court will appoint a qualified certified public accountant (the “CPA”) to serve as escrow agent over the Funds and to keep detailed records of all deposits and withdrawals and to prepare tax returns and other tax filings in connection with the Funds. Such subsequent Order shall specify the hourly rates to be charged by the CPA and for the CPA’s assistants, who shall be utilized where appropriate to control costs. The CPA shall submit quarterly detailed bills to the Court and to Plaintiffs’ Co-Lead Counsel.”

Plaintiffs have now moved (Dkt. No. 16932) for an order establishing the two funds to receive and disburse funds for the purposes and pursuant to the limitations instructions set out in CMO No. 6. Plaintiffs have also moved to amend CMO No. 6 to allow for the appointment as escrow agent not of a CPA, but of Citibank N.A. (“Citibank”), a bank which regularly serves in

1 the capacity of an escrow agent, to serve as escrow agent for the Bard IVC Filters Fee Fund and  
2 Bard IVC Filters Expense Fund. Further, although CMO No. 6 contemplated a subsequent order  
3 that specified hourly rates for the CPA, Plaintiffs propose that the escrow agent's fees will be as  
4 set forth in Schedule B to the Escrow Agreement to be entered into with Citibank. Such fees  
5 would be paid from the Bard IVC Filters Expense Fund and considered a shared cost, as CMO  
6 No. 6 states. Plaintiffs' Co-Lead Counsel would be responsible for arranging for the preparation  
7 of tax filings related to each account.

8 The Court approves Plaintiffs' proposal, and hereby appoints Citibank to serve as Escrow  
9 Agent, to perform the duties as described in CMO No. 6, and approves the fees as set forth in  
10 Schedule B to the Escrow Agreement. The Court hereby amends CMO No. 6 so that, in Section  
11 IV(A), references to "the CPA" are replaced by the term "Escrow Agent." Also as requested,  
12 Plaintiffs' Co-Lead Counsel will be responsible for arranging for the preparation of tax filings  
13 related to each account.

14 The Court will address the portion of Plaintiffs' Steering Committee's motion requesting  
15 that the Court amend CMO No. 6 to provide for increased assessment amounts in a subsequent  
16 order.

17  
18 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

19  
20 \_\_\_\_\_  
21 David G. Campbell  
22 United States District Judge  
23  
24  
25  
26  
27  
28